

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

CURTIS SMITH, No. 42043,)	
MELVIN LEROY TYLER, No. 09670,)	
)	
Plaintiffs,)	
)	
v.)	No. 04-4075-CV-C-NKL
)	
BOB HOLDEN, et al.,)	
)	
Defendants.)	

ORDER

Plaintiffs' complaint was dismissed on August 9, 2007. Subsequently, on September 10, 2007, plaintiffs filed a notice of appeal with the United States Court of Appeals for the Eighth Circuit, which remains pending.

Plaintiff Tyler's motion for appointment of a life-long trustee was filed on November 19, 2007, subsequent to the notice of appeal. The notice of appeal transfers jurisdiction on the claims in this case to the Eighth Circuit Court of Appeals. It is, therefore,

ORDERED that plaintiff Tyler's November 19, 2007 motion for appointment of a life-long trustee to file a lawsuit and criminal charges against defendants should Tyler die is denied, without prejudice. [395]

/s/ _____

NANETTE K. LAUGHREY
United States District Judge

Dated: August 4, 2008
Jefferson City, Missouri